

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7171 of 2015 & MP.No.1/2015

1.M.A.Mohideen Basha

2.M.A.Sikander Basha

... Petitioners

Versus

1. The District Collector
Collector Office, Tiruvallur.

2. The Assistant Director
Town Panchayat
Collector Office, Tiruvallur.

3. The Executive Officer
Town Panchayat,
Red Hills, Chennai 600 052.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of MANDAMUS forbearing the 3rd respondent their men, agent, successor or any other person claiming right through him from interfering with the peaceful possession and enjoyment over the petitioners' house and land to an extent of 3650 sq.ft. situated at Village Natham survey No.84/1A, New Survey No.84/1A1, No.23, Naravari Kuppan Village, Subramaniya Bharathiyar Street, and Thiruvallur Street, Red Hills, Chennai 600 052 except following due process of law.

For Petitioners : Mr.J.Nandagopal
For Respondents : Mr.S.Gunasekaran, GA

ORDER

Heard Mr.J.Nandagopal, learned counsel for the petitioners and Mr.S.Gunasekaran, learned Government Advocate accepting notice on behalf of the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioners seek for a direction to forbear the 3rd respondent, their men, agent, successor or any other person claiming right through him from interfering with the peaceful possession and enjoyment over the petitioners' house and land to an extent of 3650 sq.ft. situated at Village Natham survey No.84/1A, New Survey No.84/1A1, No.23, Naravari Kuppam Village, Subramaniya Bharathiyar Street, and Thiruvallur Street, Red Hills, Chennai 600 052 except following due process of law.

3.It is seen that the petitioners have submitted a representation to the authorities on 02.03.2015 stating that their right of access to Subramania Bharathiyar Street from his house, is likely to be blocked if any construction is put up in the vacant land. Admittedly, the land in front of the petitioners' house is not the petitioners' property.

4.From the photographs produced in the typed set of papers it is seen that there is no door or window abutting the vacant land. Therefore, the land appears to be a road margin and the land appurtenant to the road margin. Therefore, there cannot be any vested right for the petitioners to state that the land cannot be used for public purpose. However, if there is a problem for the petitioners to approach the road, then the authorities may take note of the same and consider the petitioners' representation only to that extent.

5.Accordingly, there will be a direction to the 2nd respondent to consider the petitioners' representation 02.03.2015 on merits and in accordance with law only to the extent indicated above, within a period of one week from the date of receipt of a copy of this order. In all other aspects, the relief sought for stands rejected.

6.The writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Collector Office, Tiruvallur.
2. The Assistant Director
Town Panchayat
Collector Office, Tiruvallur.
3. The Executive Officer
Town Panchayat,
Red Hills, Chennai 600 052.

+1cc to Mr.S.Gunasekaran, Advocate, S.R.No.14908
+1cc to Mr.J.Nanda Gopal, Advocate, S.R.No.14304
+1cc to the Government Pleader, S.R.No.14529

WP.No.7171 of 2015
and M.P.No.1 of 2015

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